

DOCKET NO.: WYNC-0328/AM101204(NP)

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In Re Application of:**

**Deborah A. Evrard, et al.**

**Confirmation No.: 3728**

**Application No.: 10/659,160**

**Group Art Unit: 1614**

**Filing Date: September 10, 2003**

**Examiner: Not yet known**

**For: Antidepressant Peperidine Derivatives of Heterocycle-Fused Benzodioxans**

DATE OF DEPOSIT: March 4, 2004

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID, ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE UNITED STATES PATENT AND TRADEMARK OFFICE, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

Heather Kite

TYPED NAME: Heather Kite

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Pursuant to 37 CFR § 1.56 and in accordance with 37 CFR §§ 1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 CFR § 1.56(b).

In accordance with § 1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified application, within three months of the date of entry into the national stage of the above identified application as set forth in § 1.491, before the mailing date

of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of request for continued examination under § 1.114, no additional fee is required.

- In accordance with § 1.97(c), this Information Disclosure Statement is being filed after the period set forth in § 1.97(b) above but before the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311, or before an action that otherwise closes prosecution in the application, therefore:
  - Certification in Accordance with § 1.97(e) is attached;
  - or
  - The fee of \$180.00 as set forth in § 1.17(p) is attached.
- In accordance with § 1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311 but before, or simultaneously with, the payment of the Issue Fee, therefore included are: Certification in Accordance with § 1.97(e); and the submission fee of \$180.00 as set forth in § 1.17(p).
- Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.
- Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:
- Copies of references listed on the attached Form PTO 1449 are not required to be submitted pursuant to the June 30, 2003 recent revisions to 37 CFR § 1.98(a)(2)(i).

In accordance with § 1.98(d), copies of the following references listed on the attached Form PTO-1449 are not enclosed herewith because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application(s) for which a claim for priority under 35 U.S.C. § 120 have been made in the instant application:

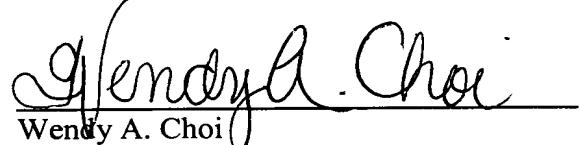
Copies of references [list as appropriate] listed on the attached Form PTO-1449 were previously cited by or submitted to the Patent and Trademark Office in prior Application No. , filed

Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050. This form is submitted in duplicate.

Enclosed is a copy of the corresponding PCT/US03/28523 Search Report dated February 13, 2004.

Reference No. 23 is an English language equivalent of reference No. 22 which is not in the English language.

Date: March 4, 2004

  
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<b>Form PTO-1449 Modified</b>		Docket No. WYNC-0328/ AM101204(NP)	Application No. 10/659,160
List of Patent and Publications Cited by Applicant (Use several sheets if necessary)		Applicant Deborah A. Evrard, et al.	
U.S. Department of Commerce Patent and Trademark Office		Filing Date September 10, 2003	Group 1614
		Confirmation No. 3728	

**FOREIGN PATENT DOCUMENTS**

Examiner Initial		Document No.	Date	Country	Translation	
					YES	NO
	20	0 151 826 A1	08/21/85	EP	X	
	21	0 542 136 A1	05/19/93	EP	X	
	22	2 103 639 A	04/14/72	FR		X
	23	1354554 A	06/05/74	GB	X	
	24	91/13872 A1	09/19/91	WO	X	
	25	94/01437 A1	01/20/94	WO	X	
	26	95/07274 A1	03/16/95	WO	X	
	27	98/16530 A1	04/23/98	WO	X	
	28	98/40386 A1	09/17/98	WO	X	

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

29	Birch, A. M. et al., "N-Substituted (2,3-Dihydro-1,4-benzodioxin-2-yl)methylamine Derivatives as D <sub>2</sub> Antagonists/5-HT <sub>1A</sub> Partial Agonists with Potential as Atypical Antipsychotic Agents," <i>J Med Chem</i> , 1999, 42, 3342-3355

<b>EXAMINER</b>	<b>DATE CONSIDERED</b>
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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/717,724
		Filing Date	November 19, 2003
		First Named Inventor	Hoover, Jerry M
		Art Unit	Not yet assigned
		Examiner Name	Not yet assigned
Total Number of Pages in This Submission		Attorney Docket Number	021983-000100US

## ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Return Postcard
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s)	Cited References AA - AC
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Townsend and Townsend and Crew LLP	
	William Michael Hynes	
Reg. No. 24,168		
Signature		
Date	3/4/04	

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Aaron Hokamura		
Signature		Date	March 4, 2004



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

**PATENT**  
Attorney Docket No.: 021983-000100US

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

On March 04, 2004

TOWNSEND and TOWNSEND and CREW LLP

By: Arjan tkamuna

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Jerry M. Hoover

Application No.: 10/717,724

Filed: November 19, 2003

For: HOE

Examiner: Not yet assigned

Art Unit: Not yet assigned

**INFORMATION DISCLOSURE  
STATEMENT UNDER 37 CFR §1.97 and  
§1.98**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

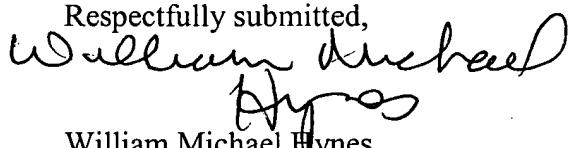
The references cited on attached form PTO/SB/08 are being called to the attention of the Examiner. Copies of the references are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement.

However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



William Michael Hynes  
Reg. No. 24,168

TOWNSEND and TOWNSEND and CREW LLP  
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WMH:ath  
60157824 v1



PATENT & TRADEMARK OFFICE Substitute for form 1449B/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>					
Sheet	1	of	1	Application Number	10/717,724
				Filing Date	November 19, 2003
				First Named Inventor	Hoover, Jerry M
				Art Unit	Not yet assigned
				Examiner Name	Not yet assigned
				Attorney Docket Number	021983-000100US

<b>U.S. PATENT DOCUMENTS+</b>					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code <sup>2</sup> (if known)			
AA		1,706,658	03/26/1929	Davis	
AB		2,266,677	12/16/1941	Ing	
AC		3,293,674	12/27/1966	Sapia	

<b>FOREIGN PATENT DOCUMENTS</b>					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Country Code <sup>3</sup>	Number <sup>4</sup> Kind Code <sup>5</sup> (if known)		

<b>NON PATENT LITERATURE DOCUMENTS</b>					
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			

Examiner Signature	Date Considered
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.